

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff)
)
vs.) Case No. 3:23-cv-1733-SAL
)
0.012 ACRES, MORE OR LESS, SITUATED IN)
LEXINGTON COUNTY, STATE OF SOUTH)
CAROLINA, AND CSS LAND LLC, et al.,)
)
Defendants.)
)
)

COMPLAINT IN CONDEMNATION [With Declaration of Taking]

1. This is a civil action brought by the United States of America at the request of the Administrator of the Federal Aviation Administration through the Federal Aviation Administration Acquisition Executive, for the taking of an interest in real property in Lexington County, South Carolina, under the power of eminent domain through a Declaration of Taking (attached hereto as Ex. 1.) and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has jurisdiction over all relevant matters in the case as provided by 28 U.S.C. § 1338.

3. The authority for the acquisition of the estate in property is set forth in Schedule A, attached to Ex. 1 hereto and made a part hereof. As stated in Schedule A, the interest in the property is taken pursuant to the authority of 40 U.S.C. § 3113 and 40 U.S.C. § 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; 49 U.S.C. § 106(f)(2)(A)(ii), 49 U.S.C. § 106(n)(1)(A)(i), and 49 U.S.C. § 40110(a)(1), which authorize the Administrator of the

Federal Aviation Administration to acquire property and equipment necessary for airports and air traffic safety; and the Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, 136 Stat. 49, which appropriate funds for the Federal Aviation Administration's establishment of air navigation facilities, *id.* div. L., tit. I, 136 Stat. at 691-93 (Facilities and Equipment).

4. The authority granted the Administrator of the Federal Aviation Administration in 49 U.S.C. § 106(n)(1)(A)(i), (iii), to acquire by condemnation any interest in property the Administrator considers necessary, was delegated to the Federal Aviation Administration Acquisition Executive, by memorandum entitled "Designation of Acquisition Executive and Delegation of Authority," dated March 24, 2020.

5. The public use for which said land is taken is for the operation of a Low-Level Windshear Alert System (LLWAS) remote station, a critical component of the National Airspace System, to support the safe navigation and operation of all military, commercial, and private aviation activities in central South Carolina, as set forth in said Schedule B, attached to Ex. 1 hereto and made a part hereof.

6. A legal description of the property being taken is set forth in Schedule C, attached to Ex. 1 hereto and made a part hereof.

7. A plat showing the land in which the interests are being taken is set forth in Schedule D, attached to Ex. 1 hereto and made a part hereof.

8. The estates taken are described in Schedule E, attached to Ex. 1 hereto and made a part hereof.

9. The estimate of just compensation is stated in Schedule F, attached to Ex. 1 hereto and made a part hereof.

10. The names and addresses of known parties having or claiming an interest in said property are set forth in Schedule G, attached hereto and made a part hereof.

WHEREFORE, plaintiff requests judgment that the property and interests be condemned, and that just compensation for the taking be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

ADAIR F. BOROUGH
UNITED STATES ATTORNEY

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